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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,638	07/08/1999	DANIEL J. SHOFF	MS1-089USC1	6866

22801 7590 07/16/2003

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PD

# Office Action Summary

Application No.

09/349,638

Applicant(s)

SHOFF ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 56-74 is/are pending in the application.
- 4a) Of the above claim(s) 58-60 and 68-74 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-57, 61-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 08 July 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 56-57, 61-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 56, 61-62, 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Hidary et al. (US 5,778,181).

Regarding claim 56, Hidary discloses embedding URLs in VBI of the video programming, the local URL decoder 16, either a standalone unit or a card which is implemented into the personal computer 16, receives the cable video television program and extracts the URLs. An JAVA enabled browser as well as specialized software are

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installed on the computer. The JAVA enabled browser allows the computer 16 to retrieve the Web pages and is preferred software. The client software retrieves URLs from the video program, interpret theses URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved Web pages to the video content fro display (see figures 1-3 and col. 4, line 34+). Apparently, computer 16 comprises a memory for storing the JAVA enabled browser and specialized software; the local decoder 16 reads on the processor and the tuner; an Internet browser stored in the memory being dynamically loadable for execution on the processor when the tuner is tuned to a channel carrying a video content program that is interactive (JAVA enabled browser and client software installed in computer 16, the client software retrieves the URLs from the video program, interpret theses URLs and direct the JAVA enabled browser to retrieve the particular relevant web page).

Regarding claim 61, Hidary discloses embedding URLs in VBI of the video programming, the local URL decoder 16, either a standalone unit or a card which is implemented into the personal computer 16, receives the cable video television program and extracts the URLs. A JAVA enabled browsers as well as specialized software are installed on the computer. The JAVA enabled browser allows the computer 16 to retrieve the Web pages and is preferred software. The client software retrieves URLs from the video program, interpret theses URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved Web pages to the video content fro display (see figures 1-3 and col. 4, line 34-col. 5, line 12). Thus,

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Hidary teaches a method for activating interactive supplemental content (URLs) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (determine if URLs are in the video program, each URLs identifies a web page address on the Internet);

in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality fro the program (if the URLs are in the video program, the client software retrieves the URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved web pages to the video content for display.

Regarding claim 62, Hidary teaches the target specifications are correlated with the program in a program listing (the URLs are correlated with video program), comprising: checking the program listing to ascertain whether the program is interactive compatible (checking the video program for embedded URLs);  
determining that the program is interactive compatible by presence of t target specification being associated with the program in the program listing (determining that

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the program is interactive by presence of URLs in the video program- see figures 1-3, col. 4, line 35+, col. 5, line 46+).

Regarding claim 67, Hidary discloses embedding URLs in VBI of the video programming, the local URL decoder 16, either a standalone unit or a card which is implemented into the personal computer 16, receives the cable video television program and extracts the URLs. A JAVA enabled browsers as well as specialized software are installed on the computer. The JAVA enabled browser allows the computer 16 to retrieve the Web pages and is preferred software. The client software retrieves URLs from the video program, interpret theses URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved Web pages to the video content fro display (see figures 1-3 and col. 4, line 34-col. 5, line 12). The URLs have associated time stamps which indicate to the subscriber stations when, during the video program, to display the particular web pages addresses by the URLs (see col. 3, lines 64-67, col. 5, line 41+). Thus, Hidary teaches a method for activating interactive supplemental content (URLs) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (determine if URLs are in the video program, each URLs identifies a web page address on the Internet);

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in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality from the program (if the URLs are in the video program, the client software retrieves the URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved web pages to the video content for display; and automatically displaying the interactive supplement content together with the program.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 63-64 rejected under 35 U.S.C. 103(a) as being obvious over Hidary (US 5,778,181).

Regarding claim 63, the claim limitation is directed toward embody the method of claim 61 in a "computer programmed". It would have been obvious to embody the procedure of Hidary discussed with respect to claim 61 in a "computer programmed" in order that a processor could automatically perform the instruction.

Regarding claim 64, Hidary discloses embedding URLs in VBI of the video programming, the local URL decoder 16, either a standalone unit or a card which is implemented into the personal computer 16, receives the cable video television program and extracts the URLs. A JAVA enabled browsers as well as specialized software are installed on the computer. The JAVA enabled browser allows the computer 16 to retrieve the Web pages and is preferred software. The client software retrieves URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved Web pages to the video content for display (see figures 1-3 and col. 4, line 34-col. 5, line 12). Thus, Hidary teaches a method for activating interactive supplemental content (URLs) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (determine if URLs are in the video program, each URLs identifies a web page address on the Internet);

in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality from the program (if the URLs are in the video program, the client software retrieves the URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular



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relevant web pages, and synchronizes the retrieved web pages to the video content for display. Furthermore, Hidary discloses the URLs are preferably embedded in the vertical blanking interval of the video program (see col. 4, lines 40-41). It is obvious to one of ordinary skill in the art to provide supplemental content on a channel separate from the channel carrying the video content program and checking the channel carrying supplemental content to determine if the program is interactive compatible in order to reduce the bandwidth on the channel carrying video program.

6. Claims 57, 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary et al. (US 5,778,181) in view of Youman et al. (US 5,629,733).

Regarding claim 57, Hidary teaches a viewer computing unit as discussed in the rejection of claim 56. Hidary further teaches the Internet browser (JAVA enabled browser) activating the target resource when the tuner is tuned to the video content program (see col. 4, line 64+). Hidary further discloses control panel provides a list of the URLs that have been broadcast and corresponding received by the computer 16 (see col. 5, lines 46+). However, Hidary does not specifically disclose an EGP stored in the memory and execute on the processor to organize program information.

Youman teaches an EPG stored in the memory and executable on a processor to organize program information, the EPG associating a target specification to a target

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resource with a video content programs (see figures 1, 19-21 and col. 8, line 8+).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary to incorporate the feature as taught by Youman in order to provide information of programs to be broadcasted to viewer thereby allow viewer to easily find a program to watch.

Regarding claim 65, Hidary discloses embedding URLs in VBI of the video programming, the local URL decoder 16, either a standalone unit or a card which is implemented into the personal computer 16, receives the cable video television program and extracts the URLs. A JAVA enabled browsers as well as specialized software are installed on the computer. The JAVA enabled browser allows the computer 16 to retrieve the Web pages and is preferred software. The client software retrieves URLs from the video program, interpret theses URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved Web pages to the video content for display (see figures 1-3 and col. 4, line 34-col. 5, line 12). Thus, Hidary teaches a method for activating interactive supplemental content (URLs) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (determine if URLs are in the video program, each URLs identifies a web page address on the Internet);

in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality from the program (if the URLs are in the video program, the client software retrieves the URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved web pages to the video content for display. However, Hidary does not explicitly disclose displaying an icon to visually inform the viewer that the program is interactive compatible.

Youman teaches displaying an icon to visually inform the viewer that the program is interactive compatible (see figure 19). Therefore, it would have been obvious to one of ordinary skill in the art to modify Hidary to incorporate the feature as taught by Youman in order to allow user easily recognize an interactive compatible program on the screen.

Regarding claim 66, Hidary discloses embedding URLs in VBI of the video programming, the local URL decoder 16, either a standalone unit or a card which is implemented into the personal computer 16, receives the cable video television program and extracts the URLs. A JAVA enabled browsers as well as specialized software are installed on the computer. The JAVA enabled browser allows the computer 16 to retrieve the Web pages and is preferred software. The client software retrieves URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved Web pages to

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the video content fro display (see figures 1-3 and col. 4, line 34-col. 5, line 12). Thus, Hidary teaches a method for activating interactive supplemental content (URLs) for a video content program upon tuning to a channel carrying the video content program, comprising: determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality, the target resources being located by corresponding target specification (determine if URLs are in the video program, each URLs identifies a web page address on the Internet);

in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality fro the program (if the URLs are in the video program, the client software retrieves the URLs from the video program, interpret these URLs and direct the JAVA enabled browser to retrieve the particular relevant web pages, and synchronizes the retrieved web pages to the video content for display. However, Hidary does not explicitly disclose view activating an icon to display the interactive supplement content.

Youman teaches displaying an icon to visually inform the viewer that the program is interactive compatible, and the viewer activates the icon to display interactive supplement content (see figures 19-22). Therefore, it would have been obvious to one of ordinary skill in the art to modify Hidary to incorporate the feature as taught by

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Youman in order to allow user easily recognize the interactive area on the screen to activate for supplement content.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Doyle et al. (US 5,838,906) teaches distributed hypermedia method for automatically invoking external application providing interaction and display of embedded object within a hypermedia document.

Girard et al. (US 5,751,282) teaches system and method for calling video on demand using an EPG.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.


9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
July 13, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600